

Calendar No. 161

112TH CONGRESS
1ST SESSION**H. R. 1892**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2011

Received; read twice and placed on the calendar

AN ACT

To authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Intelligence Authorization Act for Fiscal Year 2012”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; Table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified Schedule of Authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

- Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Annual report on hiring of National Security Education Program participants.
- Sec. 304. Enhancement of authority for flexible personnel management among the elements of the intelligence community.
- Sec. 305. Preparation of nuclear proliferation assessment statements.
- Sec. 306. Cost estimates.
- Sec. 307. Updates of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 308. Enhanced procurement authority to manage supply chain risk.
- Sec. 309. Modification of certain reporting requirements.
- Sec. 310. Counterterrorism Competitive Analysis Commission.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 401. Intelligence community assistance to counter drug trafficking organizations using public lands.
- Sec. 402. Application of certain financial reporting requirements to the Office of the Director of National Intelligence.
- Sec. 403. Public availability of information regarding the Inspector General of the Intelligence Community.
- Sec. 404. Clarification of status of Chief Information Officer in the Executive Schedule.
- Sec. 405. Temporary appointment to fill vacancies within Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

- Sec. 411. Burial allowance.
- Sec. 412. Acceptance of gifts.
- Sec. 413. Foreign language proficiency requirements for Central Intelligence Agency officers.
- Sec. 414. Public availability of information regarding the Inspector General of the Central Intelligence Agency.
- Sec. 415. Creating an official record of the Osama bin Laden operation.
- Sec. 416. Recruitment of personnel in the Office of the Inspector General.

Subtitle C—National Security Agency

- Sec. 421. Additional authorities for National Security Agency security personnel.

Subtitle D—Other Elements

- Sec. 431. Codification of Office of Intelligence and Analysis of the Department of Homeland Security as element of the intelligence community.
- Sec. 432. Federal Bureau of Investigation participation in the Department of Justice leave bank.
- Sec. 433. Accounts and transfer authority for appropriations and other amounts for intelligence elements of the Department of Defense.
- Sec. 434. Report on training standards of defense intelligence workforce.

TITLE V—OTHER MATTERS

- Sec. 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico.
- Sec. 502. Sense of Congress regarding integration of fusion centers.
- Sec. 503. Strategy to counter improvised explosive devices.
- Sec. 504. Sense of Congress regarding the priority of railway transportation security.
- Sec. 505. Technical amendments to the National Security Act of 1947.
- Sec. 506. Technical amendments to title 18, United States Code.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
4 TEES.—The term “congressional intelligence com-
5 mittees” means—

6 (A) the Select Committee on Intelligence of
7 the Senate; and

8 (B) the Permanent Select Committee on
9 Intelligence of the House of Representatives.

10 (2) INTELLIGENCE COMMUNITY.—The term
11 “intelligence community” has the meaning given
12 that term in section 3(4) of the National Security
13 Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

1 (15) The National Geospatial-Intelligence Agen-
2 cy.

3 (16) The Department of Homeland Security.

4 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

5 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL
6 LEVELS.—The amounts authorized to be appropriated
7 under section 101 and, subject to section 104, the author-
8 ized personnel ceilings as of September 30, 2012, for the
9 conduct of the intelligence activities of the elements listed
10 in paragraphs (1) through (16) of section 101, are those
11 specified in the classified Schedule of Authorizations pre-
12 pared to accompany the bill H.R. 1892 of the One Hun-
13 dred Twelfth Congress.

14 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
15 THORIZATIONS.—

16 (1) AVAILABILITY TO COMMITTEES OF CON-
17 GRESS.—The classified Schedule of Authorizations
18 referred to in subsection (a) shall be made available
19 to the Committee on Appropriations of the Senate,
20 the Committee on Appropriations of the House of
21 Representatives, and to the President.

22 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
23 ject to paragraph (3), the President shall provide for
24 suitable distribution of the classified Schedule of Au-

1 thorizations, or of appropriate portions of the Sched-
2 ule, within the executive branch.

3 (3) LIMITS ON DISCLOSURE.—The President
4 shall not publicly disclose the classified Schedule of
5 Authorizations or any portion of such Schedule ex-
6 cept—

7 (A) as provided in section 601(a) of the
8 Implementing Recommendations of the 9/11
9 Commission Act of 2007 (50 U.S.C. 415c)

10 (B) to the extent necessary to implement
11 the budget; or

12 (C) as otherwise required by law.

13 (c) USE OF FUNDS FOR CERTAIN ACTIVITIES IN THE
14 CLASSIFIED ANNEX.—In addition to any other purpose
15 authorized by law, the Director of the Federal Bureau of
16 Investigation may expend funds authorized in this Act as
17 specified in the Federal Bureau of Investigation Policy
18 Implementation section of the classified annex accom-
19 panying this Act.

20 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

21 (a) AUTHORITY FOR INCREASES.—The Director of
22 National Intelligence may authorize the employment of ci-
23 vilian personnel in excess of the number of full-time equiv-
24 alent positions for fiscal year 2012 authorized by the clas-
25 sified Schedule of Authorizations referred to in section

1 102(a) if the Director of National Intelligence determines
2 that such action is necessary for the performance of im-
3 portant intelligence functions, except that the number of
4 personnel employed in excess of the number authorized
5 under such section may not, for any element of the intel-
6 ligence community, exceed 3 percent of the number of ci-
7 vilian personnel authorized under such section for such
8 element.

9 (b) AUTHORITY FOR CONVERSION OF ACTIVITIES
10 PERFORMED BY CONTRACT PERSONNEL.—

11 (1) IN GENERAL.—In addition to the authority
12 in subsection (a) and subject to paragraph (2), if the
13 head of an element of the intelligence community
14 makes a determination that activities currently being
15 performed by contract personnel should be per-
16 formed by employees of such element, the Director
17 of National Intelligence, in order to reduce a com-
18 parable number of contract personnel, may authorize
19 for that purpose employment of additional full-time
20 equivalent personnel in such element equal to the
21 number of full-time equivalent contract personnel
22 performing such activities.

23 (2) CONCURRENCE AND APPROVAL.—The au-
24 thority described in paragraph (1) may not be exer-
25 cised unless the Director of National Intelligence

1 concurs with the determination described in such
2 paragraph.

3 (c) TREATMENT OF CERTAIN PERSONNEL.—The Di-
4 rector of National Intelligence shall establish guidelines
5 that govern, for each element of the intelligence commu-
6 nity, the treatment under the personnel levels authorized
7 under section 102(a), including any exemption from such
8 personnel levels, of employment or assignment—

9 (1) in a student program, trainee program, or
10 similar program;

11 (2) in a reserve corps or as a reemployed annu-
12 itant; or

13 (3) in details, joint duty, or long-term, full-time
14 training.

15 (d) NOTICE TO CONGRESSIONAL INTELLIGENCE
16 COMMITTEES.—The Director of National Intelligence
17 shall notify the congressional intelligence committees in
18 writing at least 15 days prior to the initial exercise of an
19 authority described in subsection (a) or (b).

20 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
21 **COUNT.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated for the Intelligence Commu-
24 nity Management Account of the Director of National In-
25 telligence for fiscal year 2012 the sum of \$576,393,000.

1 Within such amount, funds identified in the classified
2 Schedule of Authorizations referred to in section 102(a)
3 for advanced research and development shall remain avail-
4 able until September 30, 2013.

5 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
6 ments within the Intelligence Community Management
7 Account of the Director of National Intelligence are au-
8 thorized 777 full-time or full-time equivalent personnel as
9 of September 30, 2012. Personnel serving in such ele-
10 ments may be permanent employees of the Office of the
11 Director of National Intelligence or personnel detailed
12 from other elements of the United States Government.

13 (c) CLASSIFIED AUTHORIZATIONS.—

14 (1) AUTHORIZATION OF APPROPRIATIONS.—In
15 addition to amounts authorized to be appropriated
16 for the Intelligence Community Management Ac-
17 count by subsection (a), there are authorized to be
18 appropriated for the Community Management Ac-
19 count for fiscal year 2012 such additional amounts
20 as are specified in the classified Schedule of Author-
21 izations referred to in section 102(a). Such addi-
22 tional amounts for advanced research and develop-
23 ment shall remain available until September 30,
24 2013.

1 (2) AUTHORIZATION OF PERSONNEL.—In addi-
2 tion to the personnel authorized by subsection (b)
3 for elements of the Intelligence Community Manage-
4 ment Account as of September 30, 2012, there are
5 authorized such additional personnel for the Com-
6 munity Management Account as of that date as are
7 specified in the classified Schedule of Authorizations
8 referred to in section 102(a).

9 **TITLE II—CENTRAL INTEL-**
10 **LIGENCE AGENCY RETIRE-**
11 **MENT AND DISABILITY SYS-**
12 **TEM**

13 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated for the Cen-
15 tral Intelligence Agency Retirement and Disability Fund
16 for fiscal year 2012 the sum of \$514,000,000.

17 **TITLE III—GENERAL**
18 **PROVISIONS**

19 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
20 **BENEFITS AUTHORIZED BY LAW.**

21 Appropriations authorized by this Act for salary, pay,
22 retirement, and other benefits for Federal employees may
23 be increased by such additional or supplemental amounts
24 as may be necessary for increases in such compensation
25 or benefits authorized by law.

1 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
2 **ACTIVITIES.**

3 The authorization of appropriations by this Act shall
4 not be deemed to constitute authority for the conduct of
5 any intelligence activity which is not otherwise authorized
6 by the Constitution or the laws of the United States.

7 **SEC. 303. ANNUAL REPORT ON HIRING OF NATIONAL SECU-**
8 **RITY EDUCATION PROGRAM PARTICIPANTS.**

9 Not later than 90 days after the end of each of fiscal
10 years 2012, 2013, and 2014, the head of each element
11 of the intelligence community shall submit to the congres-
12 sional intelligence committees a report, which may be in
13 classified form, containing the number of personnel hired
14 by such element during such fiscal year that were at any
15 time a recipient of a grant or scholarship under the David
16 L. Boren National Security Education Act of 1991 (50
17 U.S.C. 1901 et seq.).

18 **SEC. 304. ENHANCEMENT OF AUTHORITY FOR FLEXIBLE**
19 **PERSONNEL MANAGEMENT AMONG THE ELE-**
20 **MENTS OF THE INTELLIGENCE COMMUNITY.**

21 Section 102A of the National Security Act of 1947
22 (50 U.S.C. 403–1) is amended by adding at the end the
23 following new subsection:

24 “(v) **AUTHORITY TO ESTABLISH POSITIONS IN EX-**
25 **CEPTED SERVICE.**—(1) The Director of National Intel-
26 ligence, with the concurrence of the head of the covered

1 department concerned and in consultation with the Direc-
2 tor of the Office of Personnel Management, may—

3 “(A) convert competitive service positions, and
4 the incumbents of such positions, within an element
5 of the intelligence community in such department, to
6 excepted service positions as the Director of Na-
7 tional Intelligence determines necessary to carry out
8 the intelligence functions of such element; and

9 “(B) establish new positions in the excepted
10 service within an element of the intelligence commu-
11 nity in such department, if the Director of National
12 Intelligence determines such positions are necessary
13 to carry out the intelligence functions of such ele-
14 ment.

15 “(2) An incumbent occupying a position on the date
16 of the enactment of the Intelligence Authorization Act for
17 Fiscal Year 2012 selected to be converted to the excepted
18 service under this section shall have the right to refuse
19 such conversion. Once such individual no longer occupies
20 the position, the position may be converted to the excepted
21 service.

22 “(3) In this subsection, the term ‘covered depart-
23 ment’ means the Department of Energy, the Department
24 of Homeland Security, the Department of State, or the
25 Department of the Treasury.”.

1 **SEC. 305. PREPARATION OF NUCLEAR PROLIFERATION AS-**
2 **SESSMENT STATEMENTS.**

3 Section 102A of the National Security Act of 1947
4 (50 U.S.C. 403–1), as amended by section 304 of this Act,
5 is further amended by adding at the end the following new
6 subsection:

7 “(w) NUCLEAR PROLIFERATION ASSESSMENT
8 STATEMENTS INTELLIGENCE COMMUNITY ADDENDUM.—

9 The Director of National Intelligence, in consultation with
10 the heads of the appropriate elements of the intelligence
11 community and the Secretary of State, shall provide to
12 the President, the congressional intelligence committees,
13 the Committee on Foreign Affairs of the House of Rep-
14 resentatives, and the Committee on Foreign Relations of
15 the Senate an addendum to each Nuclear Proliferation As-
16 sessment Statement accompanying a civilian nuclear co-
17 operation agreement, containing a comprehensive analysis
18 of the country’s export control system with respect to nu-
19 clear-related matters, including interactions with other
20 countries of proliferation concern and the actual or sus-
21 pected nuclear, dual-use, or missile-related transfers to
22 such countries.”.

23 **SEC. 306. COST ESTIMATES.**

24 (a) IN GENERAL.—Section 506A of the National Se-
25 curity Act of 1947 (50 U.S.C. 415a–1) is amended—

26 (1) in subsection (a)(2)—

1 (A) by inserting “(A)” after “(2)”; and

2 (B) by adding at the end the following new
3 subparagraph:

4 “(B) For major system acquisitions requiring a serv-
5 ice or capability from another acquisition or program to
6 deliver the end-to-end functionality for the intelligence
7 community end users, independent cost estimates shall in-
8 clude, to the maximum extent practicable, all estimated
9 costs across all pertinent elements of the intelligence com-
10 munity. For collection programs, such cost estimates shall
11 include the cost of new analyst training, new hardware
12 and software for data exploitation and analysis, and any
13 unique or additional costs for data processing, storing, and
14 power, space, and cooling across the life cycle of the pro-
15 gram. If such costs for processing, exploitation, dissemina-
16 tion, and storage are scheduled to be executed in other
17 elements of the intelligence community, the independent
18 cost estimate shall identify and annotate such costs for
19 such other elements accordingly.”; and

20 (2) in subsection (e)(2)—

21 (A) by inserting “(A)” after “(2)”; and

22 (B) in subparagraph (A), as so designated,
23 by striking “associated with the acquisition of a
24 major system,” and inserting “associated with
25 the development, acquisition, procurement, op-

1 eration, and sustainment of a major system
2 across its proposed life cycle,”; and

3 (C) by adding at the end the following:

4 “(B) In accordance with subsection (a)(2)(B),
5 each independent cost estimate shall include all costs
6 required across elements of the intelligence commu-
7 nity to develop, acquire, procure, operate, and sus-
8 tain the system to provide the end-to-end intelligence
9 functionality of the system, including—

10 “(i) for collection programs, the cost of
11 new analyst training, new hardware and soft-
12 ware for data exploitation and analysis, and any
13 unique or additional costs for data processing,
14 storing, and power, space, and cooling across
15 the life cycle of the program; and

16 “(ii) costs for processing, exploitation, dis-
17 semination, and storage costs are scheduled to
18 be executed in other elements of the intelligence
19 community, such element shall identify and an-
20 notate such costs accordingly.”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on the date that is 180 days
23 after the date of the enactment of this Act.

1 **SEC. 307. UPDATES OF INTELLIGENCE RELATING TO TER-**
2 **RORIST RECIDIVISM OF DETAINEES HELD AT**
3 **UNITED STATES NAVAL STATION, GUANTA-**
4 **NAMO BAY, CUBA.**

5 (a) UPDATES AND CONSOLIDATION OF LANGUAGE.—

6 (1) IN GENERAL.—Title V of the National Se-
7 curity Act of 1947 (50 U.S.C. 413 et seq.) is
8 amended by inserting after section 506H the fol-
9 lowing new section:

10 “SUMMARY OF INTELLIGENCE RELATING TO TERRORIST
11 RECIDIVISM OF DETAINEES HELD AT UNITED
12 STATES NAVAL STATION, GUANTANAMO BAY, CUBA

13 “SEC. 506I. (a) IN GENERAL.—The Director of Na-
14 tional Intelligence, in consultation with the Director of the
15 Central Intelligence Agency and the Director of the De-
16 fense Intelligence Agency, shall make publicly available an
17 unclassified summary of—

18 “(1) intelligence relating to recidivism of de-
19 tainees currently or formerly held at the Naval De-
20 tention Facility at Guantanamo Bay, Cuba, by the
21 Department of Defense; and

22 “(2) an assessment of the likelihood that such
23 detainees will engage in terrorism or communicate
24 with persons in terrorist organizations.

25 “(b) UPDATES.—Not less frequently than once every
26 6 months, the Director of National Intelligence, in con-

1 sultation with the Director of the Central Intelligence
 2 Agency and the Secretary of Defense, shall update and
 3 make publicly available an unclassified summary con-
 4 sisting of the information required by subsection (a) and
 5 the number of individuals formerly detained at Naval Sta-
 6 tion, Guantanamo Bay, Cuba, who are confirmed or sus-
 7 pected of returning to terrorist activities after release or
 8 transfer from such Naval Station.”.

9 (2) INITIAL UPDATE.—The initial update re-
 10 quired by section 506I(b) of such Act, as added by
 11 paragraph (1) of this subsection, shall be made pub-
 12 licly available not later than 10 days after the date
 13 the first report following the date of the enactment
 14 of the Intelligence Authorization Act for Fiscal Year
 15 2012 is submitted to members and committees of
 16 Congress pursuant to section 319 of the Supple-
 17 mental Appropriations Act, 2009 (Public Law 111–
 18 32; 10 U.S.C. 801 note).

19 (b) TABLE OF CONTENTS AMENDMENT.—The table
 20 of contents in the first section of the National Security
 21 Act of 1947 is amended by inserting after the item relat-
 22 ing to section 506H the following new item:

“Sec. 506I. Summary of intelligence relating to terrorist recidivism of detainees
 held at United States Naval Station, Guantanamo Bay,
 Cuba.”.

1 **SEC. 308. ENHANCED PROCUREMENT AUTHORITY TO MAN-**
2 **AGE SUPPLY CHAIN RISK.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED AGENCY.—The term “covered
5 agency” means any element of the intelligence com-
6 munity other than an element within the Depart-
7 ment of Defense.

8 (2) COVERED ITEM OF SUPPLY.—The term
9 “covered item of supply” means an item of informa-
10 tion technology (as that term is defined in section
11 11101 of title 40, United States Code) that is pur-
12 chased for inclusion in a covered system, and the
13 loss of integrity of which could result in a supply
14 chain risk for a covered system.

15 (3) COVERED PROCUREMENT.—The term “cov-
16 ered procurement” means—

17 (A) a source selection for a covered system
18 or a covered item of supply; or

19 (B) any contract action involving a con-
20 tract for a covered system or a covered item of
21 supply where such contract includes a clause es-
22 tablishing requirements relating to supply chain
23 risk.

24 (4) COVERED PROCUREMENT ACTION.—The
25 term “covered procurement action” means any of

1 the following actions, if the action takes place in the
2 course of conducting a covered procurement:

3 (A) The exclusion of a source for the pur-
4 pose of reducing supply chain risk in the acqui-
5 sition of covered systems.

6 (B) The exclusion of a source that fails to
7 achieve an acceptable rating with regard to an
8 evaluation factor providing for the consideration
9 of supply chain risk in the evaluation of pro-
10 posals for the award of a contract or the
11 issuance of a task or delivery order.

12 (C) The decision to withhold consent for a
13 contractor to subcontract with a particular
14 source or to direct a contractor for a covered
15 system to exclude a particular source from con-
16 sideration for a subcontract under the contract.

17 (5) COVERED SYSTEM.—

18 (A) IN GENERAL.—The term “covered sys-
19 tem” means any information system (including
20 any telecommunications system) used or oper-
21 ated by an agency or by a contractor of an
22 agency, or other organization on behalf of an
23 agency—

24 (i) the function, operation, or use of
25 which—

1 (I) involves intelligence activities;

2 (II) involves cryptologic activities

3 related to national security;

4 (III) involves command and con-

5 trol of military forces;

6 (IV) involves equipment that is

7 an integral part of a weapon or weap-

8 ons system; or

9 (V) subject to subparagraph (B),

10 is critical to the direct fulfillment of

11 military or intelligence missions; or

12 (ii) is protected at all times by proce-

13 dures established for information that have

14 been specifically authorized under criteria

15 established by an Executive order or an

16 Act of Congress to be kept classified in the

17 interest of national defense or foreign pol-

18 icy.

19 (B) EXCEPTION OF ADMINISTRATIVE AND

20 BUSINESS APPLICATIONS.—Subparagraph

21 (A)(i)(V) does not include a system that is to

22 be used for routine administrative and business

23 applications (including payroll, finance, logis-

24 tics, and personnel management applications).

1 (6) SUPPLY CHAIN RISK.—The term “supply
2 chain risk” means the risk that an adversary may
3 sabotage, maliciously introduce unwanted function,
4 or otherwise subvert the design, integrity, manufac-
5 turing, production, distribution, installation, oper-
6 ation, or maintenance of a covered system so as to
7 surveil, deny, disrupt, or otherwise degrade the func-
8 tion, use, or operation of such system.

9 (b) AUTHORITY.—Subject to subsection (c), the head
10 of a covered agency may, in conducting intelligence and
11 intelligence-related activities—

12 (1) carry out a covered procurement action; and

13 (2) limit, notwithstanding any other provision
14 of law, in whole or in part, the disclosure of informa-
15 tion relating to the basis for carrying out a covered
16 procurement action.

17 (c) DETERMINATION AND NOTIFICATION.—The head
18 of a covered agency may exercise the authority provided
19 in subsection (b) only after—

20 (1) any appropriate consultation with procure-
21 ment or other relevant officials of the covered agen-
22 cy;

23 (2) making a determination in writing, which
24 may be in classified form, that—

1 (A) use of the authority in subsection
2 (b)(1) is necessary to protect national security
3 by reducing supply chain risk;

4 (B) less intrusive measures are not reason-
5 ably available to reduce such supply chain risk;
6 and

7 (C) in a case where the head of the covered
8 agency plans to limit disclosure of information
9 under subsection (b)(2), the risk to national se-
10 curity due to the disclosure of such information
11 outweighs the risk due to not disclosing such
12 information;

13 (3) notifying the Director of National Intel-
14 ligence that there is a significant supply chain risk
15 to the covered system concerned, unless the head of
16 the covered agency making the determination is the
17 Director of National Intelligence; and

18 (4) providing a notice, which may be in classi-
19 fied form, of the determination made under para-
20 graph (2) to the congressional intelligence commit-
21 tees that includes a summary of the basis for the de-
22 termination, including a discussion of less intrusive
23 measures that were considered and why they were
24 not reasonably available to reduce supply chain risk.

1 (d) DELEGATION.—The head of a covered agency
2 may not delegate the authority provided in subsection (b)
3 or the responsibility to make a determination under sub-
4 section (c) to an official below the level of the service ac-
5 quisition executive for the agency concerned.

6 (e) SAVINGS.—The authority under this section is in
7 addition to any other authority under any other provision
8 of law. The authority under this section shall not be con-
9 strued to alter or effect the exercise of any other provision
10 of law.

11 (f) EFFECTIVE DATE.—The requirements of this sec-
12 tion shall take effect on the date that is 180 days after
13 the date of the enactment of this Act and shall apply to
14 contracts that are awarded on or after such date.

15 (g) SUNSET.—The authority provided in this section
16 shall expire on the date that section 806 of the Ike Skelton
17 National Defense Authorization Act for Fiscal Year 2011
18 (Public Law 111–383; 10 U.S.C. 2304 note) expires.

19 **SEC. 309. MODIFICATION OF CERTAIN REPORTING RE-**
20 **QUIREMENTS.**

21 (a) INTELLIGENCE REFORM AND TERRORISM PRE-
22 VENTION ACT OF 2004.—Section 1041(b) of the Intel-
23 ligence Reform and Terrorism Prevention Act of 2004 (50
24 U.S.C. 403–1b(b)) is amended by striking paragraphs (3)
25 and (4).

1 (b) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
2 YEAR 2003.—Section 904(d)(1) of the Intelligence Au-
3 thorization Act for Fiscal Year 2003 (50 U.S.C.
4 402c(d)(1)) is amended by striking “on an annual basis”.

5 (c) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
6 YEAR 1995.—Section 809 of the Intelligence Authoriza-
7 tion Act for Fiscal Year 1995 (50 U.S.C. App. 2170b)
8 is amended—

9 (1) by striking subsection (b); and

10 (2) in subsection (c), by striking “reports re-
11 ferred to in subsections (a) and (b)” and inserting
12 “report referred to in subsection (a)”.

13 (d) REPORT ON TEMPORARY PERSONNEL AUTHOR-
14 IZATIONS FOR CRITICAL LANGUAGE TRAINING.—Para-
15 graph (3)(D) of section 102A(e) of the National Security
16 Act of 1947 (50 U.S.C. 403–1(e)), as amended by section
17 306 of the Intelligence Authorization Act for Fiscal Year
18 2010 (Public Law 111–259; 124 Stat. 2661), is amended
19 by striking “The” and inserting “For each of the fiscal
20 years 2010, 2011, and 2012, the”.

21 **SEC. 310. COUNTERTERRORISM COMPETITIVE ANALYSIS**
22 **COMMISSION.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) terrorism and domestic radicalization rep-
2 resent evolving and dynamic threats to the United
3 States;

4 (2) biases and group think can prevent intel-
5 ligence analysts from detecting important changes in
6 such threats that can prevent the detection and pre-
7 vention of terrorist attacks; and

8 (3) competitive and alternative intelligence
9 analysis are important tools to prevent biases and
10 group think from resulting in analytical failures and
11 can help the intelligence community and policy mak-
12 ers better understand the nature of complex threats
13 to the United States.

14 (b) ESTABLISHMENT.—There is established a Com-
15 mission to be known as the “Counterterrorism Competi-
16 tive Analysis Commission” (in this section referred to as
17 the “Commission”).

18 (c) DUTIES.—

19 (1) STUDY.—The Commission shall conduct a
20 study on—

21 (A) how the elements of the intelligence
22 community use red teams, alternative analysis,
23 and competitive analysis of foreign intelligence
24 to address domestic radicalization;

(B) whether such analysis is timely, objective, based upon all sources of available foreign intelligence, and employs the standards of proper analytic tradecraft; and

(C) the feasibility and advisability of establishing a permanent entity to—

(i) advise the Director on matters of policy relating to the threats of international terrorism and domestic radicalization;

(ii) prepare competitive analyses of national intelligence estimates prepared by the intelligence community and submit such analyses to the Director and the National Intelligence Commission; and

(iii) annually submit to Congress a report in unclassified form, which may include a classified annex, on trends in counterterrorism and domestic radicalization, including a summary of any competitive analyses referred to in clause (ii).

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission shall submit to the congressional intelligence com-

1 mittees a report containing the results of the study
2 under paragraph (1).

3 (d) MEMBERS.—

4 (1) APPOINTMENT.—The Commission shall be
5 composed of six members selected on the basis of
6 previous experience with matters of policy relating to
7 international terrorism, intelligence analysis, and do-
8 mestic radicalization, of whom—

9 (A) two members shall be appointed by the
10 President;

11 (B) one member shall be appointed by the
12 Speaker of the House of Representatives;

13 (C) one member shall be appointed by the
14 minority leader of the House of Representa-
15 tives;

16 (D) one member shall be appointed by the
17 majority leader of the Senate; and

18 (E) one member shall be appointed by the
19 minority leader of the Senate.

20 (2) QUALIFICATIONS.—An individual may not
21 be appointed to the Commission under paragraph
22 (1) if such individual has served as an officer or em-
23 ployee of the Federal Government within a three-
24 year period of the date of appointment.

1 (3) COMPENSATION.—To the extent provided in
2 advance in appropriation Acts, each member of the
3 Commission shall be paid consistent with the skill
4 and experience of such member at a rate not to ex-
5 ceed the annual rate of basic pay for level V of the
6 Executive Schedule under section 5316 of title 5,
7 United States Code.

8 (4) ACTIONS OF COMMISSION.—Any member of
9 the Commission may, if authorized by the Commis-
10 sion, take any action which the Commission is au-
11 thorized to take by this section.

12 (e) STAFF OF COMMISSION.—

13 (1) COMPENSATION.—To the extent provided in
14 advance in appropriation Acts, the Commission shall
15 appoint and fix the compensation of a Director and
16 such additional staff as may be necessary to enable
17 the Commission to carry out its duties.

18 (2) RATE OF PAY.—The Director and staff of
19 the Commission may be appointed without regard to
20 the provisions of title 5, United States Code, gov-
21 erning appointments in the competitive service, and
22 may be paid without regard to the provisions of
23 chapter 51 and subchapter III of chapter 53 of that
24 title relating to classification and General Schedule
25 pay rates, except that the rate of pay fixed for the

1 Director and staff may not exceed the annual rate
2 of basic pay for level V of the Executive Schedule
3 under section 5316 of title 5, United States Code.

4 (3) EXPERTS AND CONSULTANTS.—In accord-
5 ance with rules adopted by the Commission, and to
6 the extent provided in advance in appropriation
7 Acts, the Commission may procure the services of
8 experts and consultants under section 3109(b) of
9 title 5, United States Code, but at rates for individ-
10 uals not to exceed the daily equivalent of the annual
11 rate of basic pay for level V of the Executive Sched-
12 ule under section 5316 of title 5, United States
13 Code.

14 (f) SECURITY CLEARANCES.—The Director of Na-
15 tional Intelligence shall ensure that the appropriate execu-
16 tive departments and agencies cooperate with the Commis-
17 sion in expeditiously providing to the members and staff
18 appropriate security clearances in a manner consistent
19 with existing procedures and requirements.

20 (g) TERMINATION.—The Commission shall terminate
21 on the date that is 30 days after the date on which the
22 Commission submits the report required under subsection
23 (c)(2), or on the date that is 395 days after the date of
24 the enactment of this Act, whichever is earlier.

1 **TITLE IV—MATTERS RELATING**
2 **TO ELEMENTS OF THE INTEL-**
3 **LIGENCE COMMUNITY**

4 **Subtitle A—Office of the Director**
5 **of National Intelligence**

6 **SEC. 401. INTELLIGENCE COMMUNITY ASSISTANCE TO**
7 **COUNTER DRUG TRAFFICKING ORGANIZA-**
8 **TIONS USING PUBLIC LANDS.**

9 (a) CONSULTATION.—The Director of National Intel-
10 ligence shall consult with the heads of the Federal land
11 management agencies on the appropriate actions the intel-
12 ligence community can take to assist such agencies in re-
13 sponding to the threat from covered entities that are cur-
14 rently or have previously used public lands in the United
15 States to further the operations of such entities.

16 (b) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Director of National In-
18 telligence shall submit to the congressional intelligence
19 committees a report on the results of the consultation
20 under subsection (a). Such report shall include—

21 (1) an assessment of the intelligence community
22 collection efforts dedicated to covered entities, in-
23 cluding any collection gaps or inefficiencies; and

24 (2) an assessment of the ability of the intel-
25 ligence community to assist Federal land manage-

1 ment agencies in identifying and protecting public
2 lands from illegal drug grows and other activities
3 and threats of covered entities, including through
4 the sharing of intelligence information.

5 (c) DEFINITIONS.—In this section:

6 (1) COVERED ENTITY.—The term “covered en-
7 tity” means an international drug trafficking organi-
8 zation or other actor involved in drug trafficking
9 generally.

10 (2) FEDERAL LAND MANAGEMENT AGENCY.—
11 The term “Federal land management agency” in-
12 cludes—

13 (A) the Forest Service of the Department
14 of Agriculture;

15 (B) the Bureau of Land Management of
16 the Department of the Interior;

17 (C) the National Park Service of the De-
18 partment of the Interior;

19 (D) the Fish and Wildlife Service of the
20 Department of the Interior; and

21 (E) the Bureau of Reclamation of the De-
22 partment of the Interior.

23 (3) PUBLIC LANDS.—The term “public lands”
24 has the meaning given that term in section 103 of

1 the Federal Land Policy and Management Act of
2 1976 (43 U.S.C. 1702).

3 **SEC. 402. APPLICATION OF CERTAIN FINANCIAL REPORT-**
4 **ING REQUIREMENTS TO THE OFFICE OF THE**
5 **DIRECTOR OF NATIONAL INTELLIGENCE.**

6 For each of the fiscal years 2010, 2011, and 2012,
7 the requirements of section 3515 of title 31, United States
8 Code, to submit an audited financial statement shall not
9 apply to the Office of the Director of National Intelligence
10 if the Director of National Intelligence determines and no-
11 tifies Congress that audited financial statements for such
12 years for such Office cannot be produced on a cost-effec-
13 tive basis.

14 **SEC. 403. PUBLIC AVAILABILITY OF INFORMATION RE-**
15 **GARDING THE INSPECTOR GENERAL OF THE**
16 **INTELLIGENCE COMMUNITY.**

17 Section 103H of the National Security Act of 1947
18 (50 U.S.C. 403–3h) is amended by adding at the end the
19 following new subsection:

20 “(o) INFORMATION ON WEBSITE.—(1) The Director
21 of National Intelligence shall establish and maintain on
22 the homepage of the publicly accessible website of the Of-
23 fice of the Director of National Intelligence information
24 relating to the Office of the Inspector General of the Intel-

1 ligence Community including methods to contact the In-
 2 spector General.

3 “(2) The information referred to in paragraph (1)
 4 shall be obvious and facilitate accessibility to the informa-
 5 tion related to the Office of the Inspector General of the
 6 Intelligence Community.”.

7 **SEC. 404. CLARIFICATION OF STATUS OF CHIEF INFORMA-**
 8 **TION OFFICER IN THE EXECUTIVE SCHED-**
 9 **ULE.**

10 Section 5315 of title 5, United States Code, is
 11 amended by inserting after the item relating to the Chief
 12 Information Officer, Small Business Administration the
 13 following new item:

14 “Chief Information Officer of the Intelligence
 15 Community.”.

16 **SEC. 405. TEMPORARY APPOINTMENT TO FILL VACANCIES**
 17 **WITHIN OFFICE OF THE DIRECTOR OF NA-**
 18 **TIONAL INTELLIGENCE.**

19 Section 103 of the National Security Act of 1947 (50
 20 U.S.C. 403–3) is amended—

21 (1) by redesignating subsection (e) as sub-
 22 section (f); and

23 (2) by inserting after subsection (d) the fol-
 24 lowing new subsection:

1 “(e) TEMPORARY FILLING OF VACANCIES.—With re-
 2 spect to filling temporarily a vacancy in an office within
 3 the Office of the Director of National Intelligence (other
 4 than that of the Director of National Intelligence), section
 5 3345(a)(3) of title 5, United States Code, may be ap-
 6 plied—

7 “(1) in the matter preceding subparagraph (A),
 8 by substituting ‘an element of the intelligence com-
 9 munity, as that term is defined in section 3(4) of the
 10 National Security Act of 1947 (50 U.S.C. 401a(4)),’
 11 for ‘such Executive agency’; and

12 “(2) in subparagraph (A), by substituting ‘the
 13 intelligence community’ for ‘such agency’.”.

14 **Subtitle B—Central Intelligence** 15 **Agency**

16 **SEC. 411. BURIAL ALLOWANCE.**

17 (a) IN GENERAL.—Section 11 of the Central Intel-
 18 ligence Agency Act of 1949 (50 U.S.C. 403k) is amend-
 19 ed—

20 (1) in the heading, by inserting “AND BURIAL
 21 ALLOWANCE” after “GRATUITIES”; and

22 (2) by adding at the end the following new sub-
 23 section:

24 “(c)(1) At the request of a representative of the es-
 25 tate of any officer or employee of the Agency (as deter-

1 mined in accordance with the laws of a State) who dies
2 in a manner described in subsection (a)(1), the Director
3 may pay to such estate a burial allowance.

4 “(2) A burial allowance paid under paragraph (1)
5 may be used to cover burial expenses, including recovery,
6 mortuary, funeral or memorial service, cremation, burial
7 costs, and costs of transportation by common carrier to
8 the place selected for final disposition of the deceased.

9 “(3) Each payment made under this subsection shall
10 be—

11 “(A) in an amount not greater than \$15,000
12 plus the actual costs of transportation referred to in
13 paragraph (2); and

14 “(B) in addition to any other benefit that may
15 be due under any other provision of law.

16 “(4) The Director may annually increase the amount
17 in paragraph (3)(A) to reflect any increase in the Con-
18 sumer Price Index occurring during the preceding year.

19 “(5) The Director may pay the burial benefit author-
20 ized under this subsection more than once for funeral, me-
21 morial, or burial expenses stemming from a single death
22 of an officer or employee of the Agency if the remains of
23 such officer or employee were not recovered, were recov-
24 ered after considerable delay, or were not recovered in-
25 tact.”.

1 (b) EFFECTIVE DATE OF AUTHORITY TO INCREASE
2 ALLOWANCE.—Section 11(c)(4) of the Central Intel-
3 ligence Agency Act of 1949, as added by subsection (a),
4 shall take effect on the date that is one year after the
5 date of the enactment of this Act.

6 **SEC. 412. ACCEPTANCE OF GIFTS.**

7 Section 12 of the Central Intelligence Agency Act of
8 1949 (50 U.S.C. 4031(a)) is amended—

9 (1) in subsection (a)—

10 (A) by inserting “(1)” after “(a)”; and

11 (B) by striking the second and third sen-
12 tences and inserting the following:

13 “(2) Any gift accepted under this section (and any
14 income produced by any such gift)—

15 “(A) may be used only for—”

16 “(i) artistic display;

17 “(ii) purposes relating to the general wel-
18 fare, education, or recreation of employees or
19 dependents of employees of the Agency or for
20 similar purposes; or

21 “(iii) purposes relating to the welfare, edu-
22 cation, or recreation of an individual described
23 in paragraph (3); and

1 “(B) under no circumstances may such a gift
2 (or any income produced by any such gift) be used
3 for operational purposes.

4 “(3) An individual described in this paragraph is an
5 individual who—

6 “(A) is an employee or a former employee of
7 the Agency who suffered injury or illness while em-
8 ployed by the Agency that—

9 “(i) resulted from hostile or terrorist ac-
10 tivities;

11 “(ii) occurred in connection with an intel-
12 ligence activity having a significant element of
13 risk; or

14 “(iii) occurred under other circumstances
15 determined by the Director to be analogous to
16 the circumstances described in clause (i) or (ii);

17 “(B) is a family member of such an employee
18 or former employee; or

19 “(C) is a surviving family member of an em-
20 ployee of the Agency who died in circumstances de-
21 scribed in clause (i), (ii), or (iii) of subparagraph
22 (A).

23 “(4) The Director may not accept any gift under this
24 section that is expressly conditioned upon any expenditure
25 not to be met from the gift itself or from income produced

1 by the gift unless such expenditure has been authorized
 2 by law.

3 “(5) The Director may, in the Director’s discretion,
 4 determine that an individual described in subparagraph
 5 (A) or (B) of paragraph (3) may accept a gift for the pur-
 6 poses described in paragraph (2)(A)(iii).”; and

7 (2) by adding at the end the following new sub-
 8 section:

9 “(f) The Director, in consultation with the Director
 10 of the Office of Government Ethics, shall issue regulations
 11 to carry out the authority provided in this section. Such
 12 regulations shall ensure that such authority is exercised
 13 consistent with all relevant ethical constraints and prin-
 14 ciples, including—

15 “(1) the avoidance of any prohibited conflict of
 16 interest or appearance of impropriety; and

17 “(2) a prohibition against the acceptance of a
 18 gift from a foreign government or an agent of a for-
 19 eign government.”.

20 **SEC. 413. FOREIGN LANGUAGE PROFICIENCY REQUIRE-**
 21 **MENTS FOR CENTRAL INTELLIGENCE AGEN-**
 22 **CY OFFICERS.**

23 (a) IN GENERAL.—Section 104A(g) of the National
 24 Security Act of 1947 (50 U.S.C. 403–4a(g)) is amended—

25 (1) in paragraph (1)—

1 (A) in the matter preceding subparagraph

2 (A)—

3 (i) by inserting “in the Directorate of
4 Intelligence career service or the National
5 Clandestine Service career service” after
6 “an individual”;

7 (ii) by inserting “or promoted” after
8 “appointed”; and

9 (iii) by striking “individual—” and in-
10 serting “individual has been certified as
11 having a professional speaking and reading
12 proficiency in a foreign language, such pro-
13 ficiency being at least level 3 on the Inter-
14 agency Language Roundtable Language
15 Skills Level or commensurate proficiency
16 level using such other indicator of pro-
17 ficiency as the Director of the Central In-
18 telligence Agency considers appropriate.”;

19 (B) by striking subparagraphs (A) and
20 (B); and

21 (2) in paragraph (2), by striking “position or
22 category of positions” both places that term appears
23 and inserting “position, category of positions, or oc-
24 cupation”.

1 (b) EFFECTIVE DATE.—Section 611(b) of the Intel-
2 ligence Authorization Act for Fiscal Year 2005 (Public
3 Law 108–487; 50 U.S.C. 403–4a note) is amended—

4 (1) by inserting “or promotions” after “ap-
5 pointments”; and

6 (2) by striking “that is one year after the
7 date”.

8 (c) REPORT ON WAIVERS.—Section 611(c) of the In-
9 telligence Authorization Act for Fiscal Year 2005 (Public
10 Law 108–487; 118 Stat. 3955) is amended—

11 (1) in the first sentence—

12 (A) by striking “positions” and inserting
13 “individual waivers”; and

14 (B) by striking “Directorate of Oper-
15 ations” and inserting “National Clandestine
16 Service”; and

17 (2) in the second sentence, by striking “position
18 or category of positions” and inserting “position,
19 category of positions, or occupation”.

20 (d) REPORT ON TRANSFERS.—Not later than 45
21 days after the date of the enactment of this Act, and on
22 an annual basis for each of the following 3 years, the Di-
23 rector of the Central Intelligence Agency shall submit to
24 the congressional intelligence committees a report on the

1 number of Senior Intelligence Service employees of the
2 Agency who—

3 (1) were transferred during the reporting period
4 to a Senior Intelligence Service position in the Direc-
5 torate of Intelligence career service or the National
6 Clandestine Service career service; and

7 (2) did not meet the foreign language require-
8 ments specified in section 104A(g)(1) of the Na-
9 tional Security Act of 1947 (50 U.S.C. 403–
10 4a(g)(1)) at the time of such transfer.

11 **SEC. 414. PUBLIC AVAILABILITY OF INFORMATION RE-**
12 **GARDING THE INSPECTOR GENERAL OF THE**
13 **CENTRAL INTELLIGENCE AGENCY.**

14 Section 17 of the Central Intelligence Agency Act of
15 1949 (50 U.S.C. 403q) is amended by adding at the end
16 the following new subsection:

17 “(h) INFORMATION ON WEBSITE.—(1) The Director
18 of the Central Intelligence Agency shall establish and
19 maintain on the homepage of the Agency’s publicly acces-
20 sible website information relating to the Office of the In-
21 spector General including methods to contact the Inspec-
22 tor General.

23 “(2) The information referred to in paragraph (1)
24 shall be obvious and facilitate accessibility to the informa-
25 tion related to the Office of the Inspector General.”.

1 **SEC. 415. CREATING AN OFFICIAL RECORD OF THE OSAMA**
2 **BIN LADEN OPERATION.**

3 (a) FINDINGS.—The Congress finds the following:

4 (1) On May 1, 2011, United States personnel
5 killed terrorist leader Osama bin Laden during the
6 course of a targeted strike against his secret com-
7 pound in Abbottabad, Pakistan.

8 (2) Osama bin Laden was the leader of the al
9 Qaeda terrorist organization, the most significant
10 terrorism threat to the United States and the inter-
11 national community.

12 (3) Osama bin Laden was the architect of ter-
13 rorist attacks which killed nearly 3,000 civilians on
14 September 11, 2001, the most deadly terrorist at-
15 tack against our Nation, in which al Qaeda terror-
16 ists hijacked four airplanes and crashed them into
17 the World Trade Center in New York City, the Pen-
18 tagon in Washington, D.C., and, due to heroic ef-
19 forts by civilian passengers to disrupt the terrorists,
20 near Shanksville, Pennsylvania.

21 (4) Osama bin Laden planned or supported nu-
22 merous other deadly terrorist attacks against the
23 United States and its allies, including the 1998
24 bombings of United States embassies in Kenya and
25 Tanzania and the 2000 attack on the U.S.S. Cole in
26 Yemen, and against innocent civilians in countries

1 around the world, including the 2004 attack on com-
2 muter trains in Madrid, Spain and the 2005 bomb-
3 ings of the mass transit system in London, England.

4 (5) Following the September 11, 2001, terrorist
5 attacks, the United States, under President George
6 W. Bush, led an international coalition into Afghani-
7 stan to dismantle al Qaeda, deny them a safe haven
8 in Afghanistan and ungoverned areas along the Pak-
9 istani border, and bring Osama bin Laden to justice.

10 (6) President Barack Obama in 2009 com-
11 mitted additional forces and resources to efforts in
12 Afghanistan and Pakistan as “the central front in
13 our enduring struggle against terrorism and extre-
14 mism”.

15 (7) The valiant members of the United States
16 Armed Forces have courageously and vigorously pur-
17 sued al Qaeda and its affiliates in Afghanistan and
18 around the world.

19 (8) The anonymous, unsung heroes of the intel-
20 ligence community have pursued al Qaeda and affili-
21 ates in Afghanistan, Pakistan, and around the world
22 with tremendous dedication, sacrifice, and profes-
23 sionalism.

24 (9) The close collaboration between the Armed
25 Forces and the intelligence community prompted the

1 Director of National Intelligence, General James
2 Clapper, to state, “Never have I seen a more re-
3 markable example of focused integration, seamless
4 collaboration, and sheer professional magnificence as
5 was demonstrated by the Intelligence Community in
6 the ultimate demise of Osama bin Laden.”.

7 (10) While the death of Osama bin Laden rep-
8 resents a significant blow to the al Qaeda organiza-
9 tion and its affiliates and to terrorist organizations
10 around the world, terrorism remains a critical threat
11 to United States national security.

12 (11) President Obama said, “For over two dec-
13 ades, bin Laden has been al Qaeda’s leader and
14 symbol, and has continued to plot attacks against
15 our country and our friends and allies. The death of
16 bin Laden marks the most significant achievement
17 to date in our Nation’s effort to defeat al Qaeda.”.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) the raid that killed Osama bin Laden dem-
21 onstrated the best of the intelligence communities
22 capabilities and teamwork;

23 (2) for years to come, Americans will look back
24 at this event as a defining point in the history of the
25 United States;

1 (3) it is vitally important that the United
2 States memorialize all the events that led to the raid
3 so that future generations will have an official
4 record of the events that transpired before, during,
5 and as a result of the operation; and

6 (4) preserving this history now will allow the
7 United States to have an accurate account of the
8 events while those that participated in the events are
9 still serving in the Government.

10 (c) REPORT ON THE OPERATION THAT KILLED
11 OSAMA BIN LADEN.—Not later than one year after the
12 date of the enactment of this Act, the Director of the Cen-
13 tral Intelligence Agency, in consultation with other agen-
14 cies and entities involved in the operation that killed
15 Osama bin Laden, shall submit to the congressional intel-
16 ligence committees a classified report that memorializes
17 such operation including a description of the events lead-
18 ing up to the discovery of the location of Osama bin
19 Laden, the planning and execution of the raid, and the
20 results of the intelligence gained from the raid.

21 (d) PRESERVATION OF RECORDS.—The Director of
22 the Central Intelligence Agency shall preserve any records,
23 including intelligence information and assessments, used
24 to generate the report described in subsection (c).

1 **SEC. 416. RECRUITMENT OF PERSONNEL IN THE OFFICE OF**
2 **THE INSPECTOR GENERAL.**

3 (a) STUDY.—The Director of the Central Intelligence
4 Agency, in consultation with the Inspector General of the
5 Central Intelligence Agency, shall carry out a study of the
6 personnel issues of the Office of the Inspector General.

7 Such study shall include—

8 (1) identification of any barriers or disincen-
9 tives to the recruitment or retention of experienced
10 investigators within the Office of the Inspector Gen-
11 eral; and

12 (2) a comparison of the personnel authorities of
13 the Inspector General with personnel authorities of
14 Inspectors General of other agencies and depart-
15 ments of the United States, including a comparison
16 of the benefits available to experienced investigators
17 within the Office of the Inspector General of the
18 Central Intelligence Agency with similar benefits
19 available within the offices of Inspectors General of
20 such other agencies or departments.

21 (b) RECOMMENDATIONS.—Not later than 90 days
22 after the date of the enactment of this Act, the Director
23 of the Central Intelligence Agency shall submit to the con-
24 gressional intelligence committees—

1 (1) any recommendations of the Director for
 2 legislative action based on the results of the study
 3 conducted under subsection (a); and

4 (2) a description of any administrative actions
 5 taken by the Director based on such results.

6 **Subtitle C—National Security**
 7 **Agency**

8 **SEC. 421. ADDITIONAL AUTHORITIES FOR NATIONAL SECU-**
 9 **RITY AGENCY SECURITY PERSONNEL.**

10 (a) AUTHORITY TO TRANSPORT APPREHENDED
 11 PERSONS.—Paragraph (5) of section 11(a) of the Na-
 12 tional Security Agency Act of 1959 (50 U.S.C. 402 note)
 13 is amended to read as follows:

14 “(5) Agency personnel authorized by the Director
 15 under paragraph (1) may transport an individual appre-
 16 hended under the authority of this section from the prem-
 17 ises at which the individual was apprehended, as described
 18 in subparagraph (A) or (B) of paragraph (1), for the pur-
 19 pose of transferring such individual to the custody of law
 20 enforcement officials. Such transportation may be pro-
 21 vided only to make a transfer of custody at a location with-
 22 in 30 miles of the premises described in subparagraphs
 23 (A) and (B) of paragraph (1).”.

24 (b) CONFORMING AMENDMENT RELATING TO TORT
 25 LIABILITY.—Paragraph (1) of section 11(d) of the Na-

1 tional Security Agency Act of 1959 (50 U.S.C. 402 note)
 2 is amended—

3 (1) in subparagraph (B), by striking “or” at
 4 the end;

5 (2) in subparagraph (C), by striking the period
 6 at the end and inserting “; or”; and

7 (3) by adding at the end the following new sub-
 8 paragraph:

9 “(D) transport an individual pursuant to sub-
 10 section (a)(2).”.

11 **Subtitle D—Other Elements**

12 **SEC. 431. CODIFICATION OF OFFICE OF INTELLIGENCE** 13 **AND ANALYSIS OF THE DEPARTMENT OF** 14 **HOMELAND SECURITY AS ELEMENT OF THE** 15 **INTELLIGENCE COMMUNITY.**

16 Section 3(4)(K) of the National Security Act of 1947
 17 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

18 “(K) The Office of Intelligence and Anal-
 19 ysis of the Department of Homeland Security.”.

20 **SEC. 432. FEDERAL BUREAU OF INVESTIGATION PARTICI-** 21 **PATION IN THE DEPARTMENT OF JUSTICE** 22 **LEAVE BANK.**

23 Subsection (b) of section 6372 of title 5, United
 24 States Code, is amended to read as follows:

1 “(b)(1) Except as provided in paragraph (2) and not-
 2 withstanding any other provision of this subchapter, nei-
 3 ther an excepted agency nor any individual employed in
 4 or under an excepted agency may be included in a leave
 5 bank program established under any of the preceding pro-
 6 visions of this subchapter.

7 “(2) Notwithstanding any other provision of law, the
 8 Director of the Federal Bureau of Investigation may au-
 9 thorize an individual employed by the Bureau to partici-
 10 pate in a leave bank program administered by the Depart-
 11 ment of Justice under this subchapter if in the Director’s
 12 judgment such participation will not adversely affect the
 13 protection of intelligence sources and methods.”.

14 **SEC. 433. ACCOUNTS AND TRANSFER AUTHORITY FOR AP-**
 15 **PROPRIATIONS AND OTHER AMOUNTS FOR**
 16 **INTELLIGENCE ELEMENTS OF THE DEPART-**
 17 **MENT OF DEFENSE.**

18 (a) IN GENERAL.—Chapter 21 of title 10, United
 19 States Code, is amended by inserting after section 428 the
 20 following new section:

21 **“§ 429. Appropriations for Defense intelligence ele-**
 22 **ments: accounts for transfers; transfer**
 23 **authority**

24 “(a) ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE
 25 INTELLIGENCE ELEMENTS.—The Secretary of Defense

1 may transfer appropriations of the Department of Defense
2 which are available for the activities of Defense intel-
3 ligence elements to an account or accounts established for
4 receipt of such transfers. Each such account may also re-
5 ceive transfers from the Director of National Intelligence
6 if made pursuant to Section 102A of the National Security
7 Act of 1947 (50 U.S.C. 403-1), and transfers and reim-
8 bursements arising from transactions, as authorized by
9 law, between a Defense intelligence element and another
10 entity. Appropriation balances in each such account may
11 be transferred back to the account or accounts from which
12 such appropriations originated as appropriation refunds.

13 “(b) RECORDATION OF TRANSFERS.—Transfers
14 made pursuant to subsection (a) shall be recorded as ex-
15 penditure transfers.

16 “(c) AVAILABILITY OF FUNDS.—Funds transferred
17 pursuant to subsection (a) shall remain available for the
18 same time period and for the same purpose as the appro-
19 priation from which transferred, and shall remain subject
20 to the same limitations provided in the act making the
21 appropriation.

22 “(d) OBLIGATION AND EXPENDITURE OF FUNDS.—
23 Unless otherwise specifically authorized by law, funds
24 transferred pursuant to subsection (a) shall only be obli-

1 gated and expended in accordance with chapter 15 of title
2 31 and all other applicable provisions of law.

3 “(e) DEFENSE INTELLIGENCE ELEMENT DE-
4 FINED.—In this section, the term ‘Defense intelligence
5 element’ means any of the Department of Defense agen-
6 cies, offices, and elements included within the definition
7 of ‘intelligence community’ under section 3(4) of the Na-
8 tional Security Act of 1947 (50 U.S.C. 401a(4)).”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of subchapter I of such chapter is amend-
11 ed by adding at the end the following new item:

“429. Appropriations for Defense intelligence elements: accounts for transfers;
transfer authority.”.

12 **SEC. 434. REPORT ON TRAINING STANDARDS OF DEFENSE**
13 **INTELLIGENCE WORKFORCE.**

14 (a) REPORT.—Not later than 180 days after the date
15 of the enactment of this Act, the Director of National In-
16 telligence and the Under Secretary of Defense for Intel-
17 ligence shall submit to the Permanent Select Committee
18 on Intelligence and the Committee on Armed Services of
19 the House of Representatives and the Select Committee
20 on Intelligence and the Committee on Armed Services of
21 the Senate a report on the training standards of the de-
22 fense intelligence workforce. Such report shall include—

1 (1) a description of existing training, education,
2 and professional development standards applied to
3 personnel of defense intelligence components; and

4 (2) an assessment of the ability to implement a
5 certification program for personnel of the defense in-
6 telligence components based on achievement of re-
7 quired training, education, and professional develop-
8 ment standards.

9 (b) DEFINITIONS.—In this section:

10 (1) DEFENSE INTELLIGENCE COMPONENTS.—

11 The term “defense intelligence components”
12 means—

13 (A) the National Security Agency;

14 (B) the Defense Intelligence Agency;

15 (C) the National Geospatial-Intelligence
16 Agency;

17 (D) the National Reconnaissance Office;

18 (E) the intelligence elements of the Army,
19 the Navy, the Air Force, and the Marine Corps;
20 and

21 (F) other offices within the Department of
22 Defense for the collection of specialized national
23 intelligence through reconnaissance programs.

1 (2) DEFENSE INTELLIGENCE WORKFORCE.—

2 The term “defense intelligence workforce” means
3 the personnel of the defense intelligence components.

4 **TITLE V—OTHER MATTERS**

5 **SEC. 501. REPORT ON AIRSPACE RESTRICTIONS FOR USE**
6 **OF UNMANNED AERIAL VEHICLES ALONG**
7 **THE BORDER OF THE UNITED STATES AND**
8 **MEXICO.**

9 Not later than 90 days after the date of the enact-
10 ment of this Act, the Secretary of Homeland Security shall
11 submit to the congressional intelligence committees, the
12 Committee on Homeland Security of the House of Rep-
13 resentatives, and the Committee on Homeland Security
14 and Governmental Affairs of the Senate a report on
15 whether restrictions on the use of airspace are hampering
16 the use of unmanned aerial vehicles by the Department
17 of Homeland Security along the international border be-
18 tween the United States and Mexico.

19 **SEC. 502. SENSE OF CONGRESS REGARDING INTEGRATION**
20 **OF FUSION CENTERS.**

21 It is the sense of Congress that ten years after the
22 terrorist attacks upon the United States on September 11,
23 2001, the Secretary of Homeland Security, in consultation
24 with the Director of National Intelligence, should continue
25 to integrate and leverage fusion centers to enlist all of the

1 intelligence, law enforcement, and homeland security capa-
2 bilities of the United States in a manner that is consistent
3 with the Constitution to prevent acts of terrorism against
4 the United States.

5 **SEC. 503. STRATEGY TO COUNTER IMPROVISED EXPLOSIVE**
6 **DEVICES.**

7 (a) STRATEGY.—

8 (1) ESTABLISHMENT.—The Director of Na-
9 tional Intelligence and the Secretary of Defense shall
10 establish a coordinated strategy utilizing all available
11 personnel and assets for intelligence collection and
12 analysis to identify and counter network activity and
13 operations in Pakistan and Afghanistan relating to
14 the development and use of improvised explosive de-
15 vices.

16 (2) CONTENTS.—The strategy established
17 under paragraph (1) shall identify—

18 (A) the networks that design improvised
19 explosive devices, provide training on impro-
20 vised explosive device assembly and employ-
21 ment, and smuggle improvised explosive device
22 components into Afghanistan;

23 (B) the persons and organizations not di-
24 rectly affiliated with insurgents in Afghanistan
25 who knowingly enable the movement of com-

1 merchial products and material used in impro-
2 vised explosive device construction from fac-
3 tories and vendors in Pakistan into Afghani-
4 stan;

5 (C) the financiers, financial networks, in-
6 stitutions, and funding streams that provide re-
7 sources to the insurgency in Afghanistan; and

8 (D) the links to military, intelligence serv-
9 ices, and government officials who are complicit
10 in allowing the insurgent networks in Afghani-
11 stan to operate.

12 (b) REPORT AND IMPLEMENTATION.—Not later than
13 120 days after the date of the enactment of this Act, the
14 Director of National Intelligence and the Secretary of De-
15 fense shall—

16 (1) submit to the congressional intelligence
17 committees and the Committees on Armed Services
18 of the House of Representatives and the Senate a
19 report containing the strategy established under sub-
20 section (a); and

21 (2) implement such strategy.

22 **SEC. 504. SENSE OF CONGRESS REGARDING THE PRIORITY**
23 **OF RAILWAY TRANSPORTATION SECURITY.**

24 It is the sense of Congress that—

1 (1) the nation’s railway transportation (includ-
2 ing subway transit) network is broad and technically
3 complex, requiring robust communication between
4 private sector stakeholders and the intelligence com-
5 munity to identify, monitor, and respond to threats;

6 (2) the Department of Homeland Security Of-
7 fice of Intelligence and Analysis maintains a con-
8 structive relationship with other Federal agencies,
9 state and local governments, and private entities to
10 safeguard our railways; and

11 (3) railway transportation security (including
12 subway transit security) should continue to be
13 prioritized in the critical infrastructure threat as-
14 sessment developed by the Office of Intelligence and
15 Analysis and included in threat assessment budgets
16 of the intelligence community.

17 **SEC. 505. TECHNICAL AMENDMENTS TO THE NATIONAL SE-**
18 **CURITY ACT OF 1947.**

19 The National Security Act of 1947 (50 U.S.C. 401
20 et seq.) is amended—

21 (1) in section 3(6) (50 U.S.C. 401a(6)), by
22 striking “Director of Central Intelligence” and in-
23 serting “Director of National Intelligence”;

1 (2) in section 506(b) (50 U.S.C. 415a(b)), by
 2 striking “Director of Central Intelligence.” and in-
 3 serting “Director of National Intelligence.”; and

4 (3) in section 506A(c)(2)(C) (50 U.S.C. 415a-
 5 1(c)(2)(C), by striking “National Foreign Intel-
 6 ligence Program” both places that term appears and
 7 inserting “National Intelligence Program”.

8 **SEC. 506. TECHNICAL AMENDMENTS TO TITLE 18, UNITED**
 9 **STATES CODE.**

10 Section 351(a) of title 18, United States Code, is
 11 amended—

12 (1) by inserting “the Director (or a person
 13 nominated to be Director during the pendency of
 14 such nomination) or Principal Deputy Director of
 15 National Intelligence,” after “in such department,”;
 16 and

17 (2) by striking “Central Intelligence,” and in-
 18 serting “the Central Intelligence Agency,”.

Passed the House of Representatives September 9,
 2011.

Attest:

KAREN L. HAAS,

Clerk.

Calendar No. 161

112TH CONGRESS
1ST Session

H. R. 1892

AN ACT

To authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SEPTEMBER 12, 2011

Received; read twice and placed on the calendar